

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

DR. MORGAN REYNOLDS on behalf of the UNITED STATES OF AMERICA,	:	
Plaintiff/Relator,	:	
v.	:	
SCIENCE APPLICATIONS INTERNATIONAL CORP.; APPLIED RESEARCH ASSOCIATES INC.;	:	
BOEING; NuSTATS; COMPUTER AIDED ENGINEERING ASSOCIATES, INC.;	:	
DATASOURCE, INC.; GEOSTAATS, INC.;	:	
GILSANZ MURRAY STEFICEK LLP; HUGHES ASSOCIATES, INC.; AJMAL ABBASI; EDUARDO KAUSEL; DAVID PARKS; DAVIS SHARP;	:	Case No. 07CV4612 (GBD)
DANIELE VENEZANO; JOSEF VAN DYCK;	:	DECLARATION OF
KASPAR WILLIAM; ROLF JENSEN & ASSOCIATES, INC.; ROSENWASSER/GROSSMAN CONSULTING ENGINEERS, P.C.; SIMPSON GUMPERTZ & HEGER, INC.; S.K. GHOSH ASSOCIATES, INC.; SKIDMORE, OWINGS & MERRILL, LLP; TENG & ASSOCIATES, INC.;	:	PATRICIA B. GARY
UNDERWRITERS LABORATORIES, INC.; WISS, JANNEY, ELSTNER ASSOCIATES, INC.;	:	
AMERICAN AIRLINES; SILVERSTEIN PROPERTIES; and UNITED AIRLINES,	:	
Defendants.	:	

PATRICIA B. GARY, an attorney admitted pro hac vice in the above-referenced case on behalf of Simpson Gumpertz & Heger, Inc. ("SGH") and Computer Aided Engineering, Inc. ("CAE"), declares pursuant to 28 U.S.C. § 1746 and under penalty of perjury under the laws of the United States of America, that the following statements are true and correct:

1. I am associated with the law firm of Donovan Hatem LLP, attorneys for defendants Simpson Gumpertz & Heger, Inc. ("SGH") and Computer Aided Engineering, Inc. ("CAE").

2. I respectfully submit this declaration in support of SGH and CAE's motion adopt and join the argument set forth in the motion to dismiss submitted by co-defendant Applied Research Associates, Inc. ("ARA") that Section 3730(b)(5) of the False Claims Act ("FCA") bars Relator's FCA claims.

3. The *qui tam* Complaint of the Relator, Dr. Morgan Reynolds (the "Reynolds Suit") was unsealed on July 11, 2007.

4. On October 5, 2007 defendants SGH and CAE filed a Motion to Dismiss the Reynolds Suit in its entirety, pursuant to Fed. R. Civ. P. 9(b), 12(b)(1), 12(b)(6) and 12(h)(3), and for an award of attorney's fees and costs pursuant to 31 U.S.C. § 3730(d)(4).

5. On or about December 29, 2007 defendant SGH received a Notice of Lawsuit and Request for Waiver of Service of Summons, which enclosed a copy of a *qui tam* Complaint filed by Dr. Judy Wood (the "Wood Suit") in which SGH is a defendant.

6. On or about January 17, 2008, defendant CAE received a Notice of Lawsuit and Request for Waiver of Service of Summons, which enclosed a copy of a *qui tam* Complaint filed by Dr. Judy Wood (the "Wood Suit") in which CAE is a defendant.

7. Defendants SGH and CAE submit that Section 3730(b)(5) of the False Claims Act ("FCA") bars the Relator from bringing his FCA suit which is based on the same underlying facts as the Wood Suit.

8. Counsel for the Relator, Jerry V. Leaphart, Esq., stated to the undersigned counsel that he has no objection to defendants SGH and CAE's motion to adopt and incorporate the arguments set forth in the motion to dismiss submitted by co-defendant ARA that Section 3730(b)(5) of the False Claims Act ("FCA") bars Relator's FCA claims because they rely on the

same facts and mirror the allegations in *United States ex rel. Dr. Judy Wood v. Applied Research Assoc., Inc.*, No. 07 Civ. 3314 (GBD) (S.D.N.Y. filed April 25, 2007) (the “Wood Suit).

9. For these reasons and the reasons set forth in their motion to dismiss dated October 5, 2007, defendants Simpson Gumpertz & Heger, Inc. and Computer Aided Engineering, Inc. move to dismiss Reynolds’ *qui tam* Complaint in its entirety and with prejudice.

WHEREFORE, for all of the reasons set forth in defendants Simpson Gumpertz & Heger, Inc. and Computer Aided Engineering, Inc.’s motion to dismiss and accompanying memorandum of law dated October 5, 2007, and for the additional reasons set forth herein, defendants’ motion to dismiss should be granted in its entirety.

/s/Patricia B. Gary
Patricia B. Gary

Dated: New York, New York
January 25, 2008

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